

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

ERIC SHIBLEY,

Defendant.

CASE NO. CR20-0174-JCC

ORDER

This matter comes before the Court on Defendant Eric Shibley's motion for a competency evaluation (Dkt. No. 52) and appeal of Magistrate Judge Peterson's detention order (Dkt. No. 59). The Government does not oppose the evaluation. (*See* Dkt. No. 57.) Having thoroughly considered the parties' briefing, argument of counsel, and the relevant record, the Court hereby GRANTS the motion for a competency evaluation and STAYS consideration of Mr. Shibley's appeal of the detention order for the reasons explained herein.

Based on the information presented by Counsel for Mr. Shibley in Docket #52 and Docket #53, as well as Counsel for Defendant's statements at the November 16, 2020 status conference, the Court finds that there is reasonable cause to believe that Mr. Shibley may presently be suffering from a mental disease or defect that renders him unable to assist properly in his defense or to understand the nature and consequences of the proceeding against him. *See* 18 U.S.C. § 4241(a). Therefore, a period of delay is necessary to determine the mental

competency of the Defendant. It is hereby ORDERED that:

1. Mr. Shibley shall be examined at the Federal Detention Center in SeaTac, Washington, by an expert designated by the Bureau of Prisons within 30 days of the date of this order, and a report shall be filed with the Court and provided to the parties pursuant to 18 U.S.C. § 4247(c).
2. The December 14, 2020 jury trial is VACATED and CONTINUED to a date to be set by the Court following the determination as to Mr. Shibley's competency.
3. The period of time from the date the Court directed the parties to address this issue, November 16, 2020, until the date the Court determines whether Mr. Shibley is competent, is excludable time under the Speedy Trial Act because it is "delay resulting from any proceeding, including any examination[], to determine the mental competency . . . of the defendant." 18 U.S.C. § 3161(h)(1)(A).
4. The Court STAYS consideration of Mr. Shibley's appeal from Magistrate Judge Peterson's detention order (Dkt. No. 59) and will address this issue after Mr. Shibley's competency evaluation is completed.

DATED this 25th day of November 2020.

A handwritten signature in black ink, appearing to read "John C. Coughenour", written over a horizontal line.

John C. Coughenour
UNITED STATES DISTRICT JUDGE